

ALONZO MOREFIELD, JR.,
PLAINTIFF

X MOTION TO VOLUNTARILY DISMISS
COMPLAINT

VS -

GINA SAVAGE, et al.,
DEFENDANTS.

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2007 SEP 12 A 9:47

2:07-cv-780-MHT
(WO)

PLAINTIFF IN THE ABOVE SAID CASE MOVES THIS COURT TO VOLUNTARILY
DISMISS THIS CASE SUA SPONTE BASED ON THE FOREMENTIONED CAUSE WITHOUT
REASONS: DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

1. PLAINTIFF IS IN RECEIPT OF THE MAGISTRATE JUDGES RECOMMENDATIONS
FILED ON SEPTEMBER 4, 2007 ARRIVING TO PLAINTIFF SEPTEMBER 6, 2007.
2. PLAINTIFF IS UNKNOWINGLY ADVISED THAT HIS STATE TORT LAW SUIT FILED
IN THE CIRCUIT COURT OF MONTGOMERY COUNTY ALABAMA WAS TRANS-
FERRED TO THIS COURT.
3. PLAINTIFF DID NOT REQUEST OR DESIRE TO BRING THIS ACTION IN THE
FEDERAL COURT OR HE/PLAINTIFF WOULD HAVE FILED THE APPROPRIATE
FORMS. IT WAS THE DEFENDANTS WHO INITIATED THE TRANSFER OF
THIS CASE. PLAINTIFF DID NOT LABEL, AVER OR INFER THAT HIS
STATE TORT LAW SUIT WAS TO BE CONSIDERED AS A 1983 ACTION.
4. PLAINTIFF CIVIL ACTION FILED ON JUNE 20, 2007 IN CIRCUIT COURT
OF MONTGOMERY COUNTY ALABAMA IS A STATE TORT LAW SUIT
AND SHOULD HAVE BEEN LITIGATED AS SUCH. PLAINTIFF WAS
NOT AWARE OF THE SUITS TRANSFER UNTIL RECEIPT OF THE MAGISTRATE
RECOMMENDATIONS. DEFENDANTS AND/OR CIRCUIT COURT OF
MONTGOMERY COUNTY ALABAMA FAILED TO INFORM PLAINTIFF OF THIS
LAW SUITS TRANSFER.
5. PLAINTIFF DOES NOT DESIRE TO PERSIST IN THIS CASE IN FEDERAL
COURTS. IF STATE LAW TOLL LIMITATION BARRED THIS TORT THEN
STATE COURTS SHOULD HAVE PROPOSED OR PROCEEDED TO DISMISS THIS
CASE. THE TRANSFER OF THIS CASE TO FEDERAL COURTS IS A
ATTEMPT BY DEFENDANTS TO HAVE THIS COURT EMPLOY A STRIKE
AGAINST PLAINTIFF PURSUANT TO THE PRISON LITIGATION
REFORM ACT. PLAINTIFF ASK THE COURT NOT TO BE SWAYED BY
THE RETALIATORY ACTIONS OF THE DEFENDANTS.

IN SUM, PLAINTIFF ASK THIS COURT TO VOLUNTARILY DISMISS THIS
CASE SUA SPONTE BASED ON THE FOREMENTIONED CAUSE WITHOUT
PRE JUDICE. PLAINTIFF WILL REEVALUATE HIS OPTIONS AND
SEEK REDRESS IN A CIVIL STATE TORT CLAIM WHICH WAS HIS
INITIAL INTENT. MORE OVER, PLAINTIFF SHOULD NOT BE PUNISHED
WITH A FRIVOLOUS DISMISSAL AS HE DID NOT SEEK A 42
USC 1983 LAW SUIT.

RESPECTFULLY SUBMITTED,
ALONZO MOREFIELD, JR.,
PLAINTIFF, PRO SE

by:

Am/n

CERTIFICATE OF SERVICE

THIS WILL CERTIFY THAT A COPY OF THE FOREGOING WAS
SERVED ON COUNSEL FOR DEFENDANT BY PLACING THE
SAME IN U.S. MAIL, POSTAGE PREPAID ADDRESSED TO;

ATTORNEY CONSTANCE WALKER
c/o HASKELL, SLAUGHTER, YOUNG AND GALLIN, LLC
P.O. Box 4660
MONTGOMERY, AL. 36103-4660
(334) 265-8573

THIS 10th day of September, 2007.

Am/n

ALONZO MOREFIELD, JR.
GEORGIA STATE BAR # 15614
I.D. NO. 478855
300 First Ave
Reidsville, GA.
30453

HONORABLE MURKIN, JR.
2164 HAWK
REIDSVILLE, GA 30453

Georgia State Prison
300 1st Avenue South
Reidsville, GA 30453

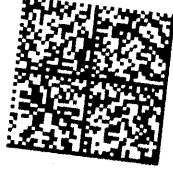
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